

CONCLUSIONS

CB# 107963

ORDINANCE

115171

AN ORDINANCE relating to the Seattle Criminal Code, amending Section 12A.20 by adding a new Section .050 thereto to prohibit drug traffic loitering and prescribing penalties therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 12A.20 of the Seattle Municipal Code (Ordinance 102843) is amended by adding a new Section 12A.20.050 as follows:

12A.20.050 Drug-Traffic Loitering.

A. As used in this section:

1. "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW, or the equivalent provisions of any federal statute, state statute or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.
2. "Drug paraphernalia" means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by the Seattle-King County Health Department, *and hypodermic syringes or needles in the possession of a confirmed diabetic.*
3. "Illegal drug activity" means unlawful conduct contrary to any provision of RCW Chapter 69.41, 69.50 or 69.52, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.
4. "Known drug trafficker" means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any illegal drug activity.
5. "Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles (whether moving or not), and buildings, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

- B. A person is guilty of drug-traffic loitering if he or she remains in a public place and intentionally

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1 solicits, induces, entices, or procures another to
2 engage in unlawful conduct contrary to Chapter
69.50, Chapter 69.41, or Chapter 69.52 Revised Code
of Washington.

3 C. Among the circumstances which may be considered in
4 determining whether the actor intends such
prohibited conduct are that he or she:

- 5 1. Is seen by the officer to be in possession of
drug paraphernalia; or
- 6 2. Is a known drug trafficker; or
- 7 3. Repeatedly beckons to, stops or attempts to
8 stop passerby, or engages passerby in
conversation; or
- 9 4. Repeatedly stops or attempts to stop motor
10 vehicle operators by hailing, waving of arms or
any other bodily gesture; or
- 11 5. Circles an area in a motor vehicle and
12 repeatedly beckons to, contacts, or attempts to
stop pedestrians; or
- 13 6. Is the subject of any court order, which
14 directs the person to stay out of any specified
area as a condition of release from custody, a
15 condition of probation or parole or other
supervision or any court order, in a criminal
or civil case involving illegal drug activity;
or
- 16 7. Has been evicted as the result of his or her
17 illegal drug activity and ordered to stay out
of a specified area affected by drug-related
activity.

18 D. A person convicted of a drug-traffic loitering shall
19 be guilty of a gross misdemeanor and punished in
accordance with SMC Chapter 12A.02.

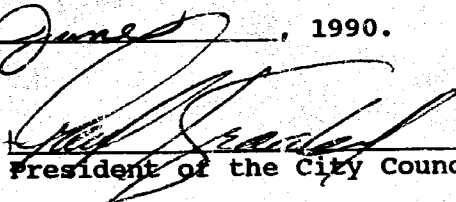
20 E. This ordinance shall sunset two (2) years following
its original effective date.

21 Section 2. The provisions of this ordinance are declared
22 to be separate and severable. The invalidity of any clause,
23 sentence, paragraph subdivision, section or portion of this
24 ordinance, or the invalidity of the application thereof to any
25 person circumstance shall not affect the validity of the
26 remainder of this ordinance, or the validity of its
27 application to other persons or circumstances.

28 Section 3. This Ordinance shall take effect and be in
force thirty (30) days from and after its passage and

1 approval, if approved by the Mayor; otherwise it shall take
2 effect at the time it shall become law under the provisions of
3 the City Charter.

4 Passed by the City Council the 25 day of June,
5 1990, and signed by me in open session in authentication of
6 its passage this 25 day of June, 1990.

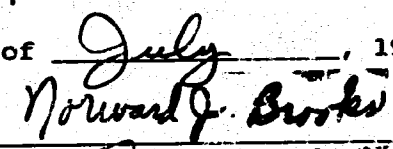
7 
8 President of the City Council

9 Approved by me this 6 day of July, 1990.

10 
11 Mayor

12 Filed by me this 6 day of July, 1990.

13 ATTEST:

14 
City Comptroller and City Clerk

15 By:

16 
Deputy

17 (SEAL)

18 Published _____

19
20 [DRUG.ORD]

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN
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28513
City of Seattle

STATE OF WASHINGTON - KING COUNTY

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115171

was published on
07/18/90

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on
JUL 18 1990
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle

ORDINANCE 115171

AN ORDINANCE relating to the Seattle Criminal Code, amending Section 12A.20 by adding a new Section .050 thereto to prohibit drug traffic loitering and prescribing penalties therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 12A.20 of the Seattle Municipal Code (Ordinance 102943) is amended by adding a new Section 12A.20.050 as follows:

12A.20.050 Drug-Traffic Loitering.

A. As used in this section:

1. "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW, or the equivalent provisions of any federal statute, state statute or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.
2. "Drug paraphernalia" means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by the Seattle-King County Health Department, and needles or syringes in the possession of a person with a diagnosis of chronic diabetes.
3. "Illegal drug activity" means unlawful conduct contrary to any provision of RCW Chapter 69.41, 69.50 or 69.52, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.
4. "Known drug trafficker" means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any illegal drug activity.
5. "Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles (whether moving or not), and buildings, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of drug-traffic loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct contrary to Chapter 69.50, Chapter 69.41, or Chapter 69.52 Revised Code of Washington.

C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Is seen by the officer to be in possession of drug paraphernalia; or
2. Is a known drug trafficker; or
3. Repeatedly beckons to, stops or attempts to stop passerby, or engages passerby in conversation; or
4. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
5. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
6. Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or

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7. Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

D. A person convicted of a drug-traffic loitering shall be guilty of a gross misdemeanor and punished in accordance with SMC Chapter 12A.02.

This ordinance shall sunset two (2) years following its original effective date.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This Ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become law under the provisions of the City Charter.

Passed by the City Council the 20th day of June, 1994, and signed by me in open session in confirmation of its passage this 20th day of June, 1994.

Mayor, City of Seattle
Councilman of the City Council
Ordinance No. 220000, 20th day of July, 1994.

Attest:

Passed by me this 20th day of July, 1994.

Attest: MICHAEL J. BROWN, City Clerk

City of Seattle, Washington

For the City Clerk: MICHAEL J. BROWN, City Clerk

Date of official publication in Daily Journal of Commerce, Seattle, July 18, 1994.

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#62

CB 107963

DHS:vvv
16/25/90

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B. A person is guilty of drug-traffic loitering if he or she remains in a public place and intentionally

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